

## **REMARKS**

### ***Claim Amendments***

Upon entry of the foregoing amendment, claims 103-124 are pending in the application. Claims 88-102 have been canceled without prejudice or disclaimer to the subject matter therein. Claims 103-124 have been added. Support for the new claims can be found throughout the specification and in the claims as originally filed, and, in particular, at pages 15-17, 20-21, 24-25, 28-29, 31-32, and 36-40. Applicants respectfully request entry of the above amendment and submit that the above amendment does not constitute new matter.

### ***Priority***

Applicants have amended the priority statement in the first paragraph of the specification to add a specific reference to U.S. Patent Number 6,699,701. Applicants submit that this amendment does not constitute new matter.

### ***Specification***

Applicants have amended the specification as suggested by the Examiner by replacing any use of a trademark with the appropriate capitalized reference.

### ***Objections to Claims 101 and 102***

Applicants have canceled claims 101 and 102 and therefore the objection to claims 101 and 102 is *moot*.

### ***Rejections Under 35 U.S.C. §102(b)***

Claims 88-90, 91, 93, 97, and 99-102 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Jones et al. (EP 0 414 304 A2) ("Jones").

Applicants have canceled claims 88-102 and therefore the rejection over Jones is *moot*.

Applicants have added new claims 103-124. Independent claim 103, for example, is directed to a method of sanitizing a hard surface and includes the step of applying a composition comprising at least one bacteriophage that targets a resistant bacterium. Bacteria may be resistant to a number of agents including antibiotics. Alternatively, bacteria may be resistant to agents such as disinfectants because they are in an environment such as a matrix of polysaccharides adherent to a hard surface, where the matrix impedes diffusion of the disinfectant. Independent claim 118, for example, is directed to a method of sanitizing equipment and includes the step of applying a composition

comprising at least one bacteriophage to the equipment. This claim makes clear that the composition comprising at least one bacteriophage is applied to equipment rather than any surface generally. Jones discloses treatment of surfaces generally and architectural surfaces in particular. Applicants submit that Jones does not teach or suggest new claims 103-124.

***Rejections Under 35 U.S.C. § 103(a)***

Claims 92, 94-96, and 98 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jones, *et al.* (EP 0 414 304 A2, hereinafter “Jones”) in view of Day *et al.* (GB 2 253 859 hereinafter “Day”) and Youderian *et al.* (WO 98/47521, hereinafter “Youderian”). Applicants respectfully traverse this rejection.

Applicants have canceled claims 88-102 and therefore the obviousness rejection over Jones in view of Day and Youderian is *moot*. Applicants submit that these references alone, or in combination, do not teach or suggest new claims 103-124, *inter alia*, for the reasons discussed above.

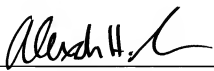
**CONCLUSION**

In view of the foregoing, Applicants respectfully request an indication of allowance of all claims.

Respectfully submitted,

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